

Bosnia and Herzegovina



Population: 4,621,598 (July 2010 est.)
Population Growth Rate: 0.016% (2010 est.)
Birth Rate: 8.87 births/1,000 population (2010 est.)
Life Expectancy: total population: 78.66 years; male: 75.09 years; female: 82.49 years (2010 est.)
Literacy Rate: total population: 96.7%; male: 99%; female: 94.4% (2000 est.)
Net Migration Rate: 0 migrants/1,000 population (2010 est.)
Unemployment Rate: 40% (2009 est.)
Gross Domestic Product per Capita: \$6,300 (2009 est.)
Religions: Muslim 40%, Orthodox 31%, Roman Catholic 15%, other 14%
Languages: Bosnian xx%, Croatian xx%, Serbian xx%
Ethnic Groups: Bosniak 48%, Serb 37.1%, Croat 14.3%, other 0.6%
Capital: Sarajevo ¹

Trafficking Routes

Bosnia and Herzegovina is primarily a country of transit and destination for victims coming from countries of Eastern Europe, mainly Ukraine, Moldova, and Romania.² In the last few years, Bosnia and Herzegovina has seen an increase in internal trafficking of women and girls who are recruited into the trafficking chain at the local level for the purpose of sexual exploitation in other parts of the country.³ The government of Bosnia and Herzegovina has taken steps to reduce trafficking of foreign victims by ratifying conventions which has caused a decrease in the number of identified foreign victims. However, the number of domestic victims seems to be on the rise.⁴

Factors That Contribute to the Trafficking Infrastructure

Bosnia and Herzegovina is located at a crossroad between Eastern and Western Europe. Its proximity to the European Union, its dual-state system, young migration management structure, porous borders, lax visa regimes, and limited resources have made it a source and transit country for human trafficking.⁵ Increased attention to cross-border human trafficking has not decreased trafficking, instead it has increased the dangers of trafficking within the country. Police and customs officials have become more aware of

¹ CIA, THE WORLD FACTBOOK 2010, available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>.

² *Bosnia and Herzegovina*, CARITAS INTERNATIONAL, available at: http://www.caritas.org/activities/women_migration/TraffickingInBosnia_1.html

³ STATE ACTION PLAN 2008-2012, MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA, available at: http://www.msb.gov.ba/anti_trafficking/dokumenti/planovi/Archive.aspx?template_id=13&pageIndex=1

⁴ *Id.*

⁵ *Bosnia and Herzegovina*, INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM), available at: <http://www.iom.int/jahia/Jahia/bosnia-and-herzegovina>

illegal migration and trafficking, and as a result of tightened border security, traffickers have resorted to trafficking victims from within the country.⁶

The demand for trafficked women for the purpose of prostitution, increased soon after the conclusion of the Dayton Agreement (1995) as peacekeepers, UN personnel, and civilian and military contractors came to Bosnia and Herzegovina.⁷ The opening of the Arizona Market, in 1996, helped improve the economy, but the market soon “became a hub for trafficked women,”⁸ amid the other goods. Nonetheless, trafficking remained largely invisible, as the officers and other international personnel responsible for the trafficking investigations never reported the situations they saw, and encountered as “trafficking.”⁹ The increased attention to trafficking made little difference in the lives of those trafficked women and girls.¹⁰ Corruption among the international community, such as UN members taking part in the trafficking, paved the way for corruption among the local government, leaving no safe-haven for the trafficked women.¹¹ Corruption among local police also contributes to the trafficking infrastructure in Bosnia and Herzegovina. For instance, local police officers sometimes moonlight as employees of establishments that maintain trafficked women and girls. Local uniformed police officers accept bribes or sexual services in exchange for protecting brothels and tip off nightclub owners before police raids occur.¹²

Forms of Trafficking

The majority of victims are trafficked for the purpose of sexual exploitation. In addition, there have been reports of trafficking for the purpose of forced labor. Cases of organized begging and forced marriages have been reported on a limited basis.¹³

According to the UN, trafficking in children in Bosnia and Herzegovina can be divided in trafficking in teenage girls for sexual exploitation and trafficking in both boys and girls under 12 years of age, mainly for begging and related forms of labor.¹⁴

Government Responses

In 2005, the Council of Ministers adopted a State Action Plan for 2008-2012. This plan is the main governmental strategy for combating trafficking and contains a

⁶ ZONTA INTERNATIONAL, REGIONAL ANTI-TRAFFICKING MOBILIZATION FOR PREVENTION (2007), available at: http://www.worldlearning.org/wlid/star/docs/star_ramp_tip_prev2007_en.pdf

⁷ MARTINA E. VANDENBERG, JENNER & BLOCK LLP, PEACEKEEPING AND RULE-BREAKING: THE EVOLUTION AND FAILURE OF UNITED NATIONS AND ANTI-TRAFFICKING POLICY IN BOSNIA AND HERZEGOVINA (2007), available at: www.allacademic.com/meta/p210284_index.html

⁸ *Id.* 4.

⁹ *Id.* 5.

¹⁰ *Id.* 6.

¹¹ *Id.* 6.

¹² *Id.* 14.

¹³ State Action Plan 2008-2012, *supra* at 3.

¹⁴ UNITED NATIONS CHILDREN’S FUND AND SAVE THE CHILDREN NORWAY, RESEARCH ON CHILD TRAFFICKING IN BOSNIA AND HERZEGOVINA 4 (October 2004), available at: http://www.childtrafficking.com/Docs/unicef_research_on_child_trafficking_in_bosnia_and_herzegovina_10.pdf.

comprehensive range of activities, and commitments to be undertaken by the authorities.¹⁵ This new plan further develops goals of the previous plans and establishes responsible institutions, identifies partners from governmental and non-governmental sectors, as well as partner international organisations, sets timeframes, and indicates recognized sources of finance. Also, the State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration was established in 2003. The Coordinator monitors and coordinates anti-trafficking activities.¹⁶

The Criminal Code of the Federation of Bosnia and Herzegovina, which was enacted in March 2003,¹⁷ recognizes trafficking in persons as a distinct offense. Article 186 defines trafficking as the act of a person who “takes part in the recruitment, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation.”¹⁸ The punishment for this crime is imprisonment for 1 to 10 years,¹⁹ increasing to a minimum of five years if the victim is a child.²⁰ Whereas if an organized group commits the crime of trafficking, the punishment is at least 10 years’ imprisonment.²¹

Slavery and the transportation of slaves are also criminalized under the 2003 Criminal Code. Placing and keeping another person in slavery or in a similar status and selling or buying slaves are offenses punished by imprisonment for a term ranging from 1 to 10 years.²² Selling or buying minors for the purpose of adoption, transplantation of organs, or labor exploitation or for other illicit purposes raises the minimum penalty to five years of imprisonment.²³

Some provisions on the protection of witnesses can be applied to victims of trafficking. The Law on Protection of Witnesses Under Threat and Vulnerable Witnesses²⁴, enacted in Bosnia and Herzegovina in 2003, provides for victims to have access to psychological and social assistance,²⁵ allows them to give testimony by technical means for transferring image and sound,²⁶ and includes measures to guarantee the anonymity of witnesses under threat and vulnerable witnesses.²⁷

¹⁵ *Modern Day Slavery*, OSCE MISSION TO BOSNIA AND HERZEGOVINA (2005), available at: http://www.oscebih.org/human_rights/antitrafficking.asp

¹⁶ *Id.*

¹⁷ Criminal Code of Bosnia and Herzegovina, Mar. 1, 2003, available at: <http://www.iccnw.org/documents/criminal-code-of-bih.pdf>.

¹⁸ *Id.* art.186(1).

¹⁹ *Id.* art. 186(1).

²⁰ *Id.* art. 186(2).

²¹ *Id.* art. 186(3).

²² *Id.* art. 185(1).

²³ *Id.* art. 185(2).

²⁴ *Id.* art. 3(1) of this law defines a *witness under threat* as a “witness whose personal security or the security of his family is endangered through his participation in the proceedings, as a result of threats, intimidation, or similar actions pertaining to his testimony.” Article 3(3) defines a *vulnerable witness* as a “witness who has been severely physically or mentally traumatized by the events of the offense or otherwise suffers from a serious mental condition rendering him unusually sensitive and a child and a juvenile.”

²⁵ *Id.* art. 6.

²⁶ *Id.* art. 9.

²⁷ *Id.* art. 13.

Nongovernmental and International Organization Responses

There are a number of NGOs in Bosnia-Herzegovina working to combat human trafficking. Among them are: the Women's Association MAJA, Women's Association Klju Biseri ("Pearls from Kljucki"), Women's Association Derventa, Lara Bijeljina, World Learning/STAR Network, and La Strada.

MAJA was created in 2000 and "during 2005, MAJA undertook educational workshops with youth and representatives of police and centers for social work with the purpose of prevention of human trafficking."²⁸ This group worked in concert with NGOs in Serbia which are just across the river Drina. MAJA is now a partner of OSCE in Bosnia-Herzegovina in the field of human trafficking and a coordinator for this issue in eastern Bosnia-Herzegovina.²⁹ "Pearls from Kljucki" was formed in 2003 and works to prevent human trafficking. The organization's strongest asset is its ability to encourage the mass participation of citizens of the town of Kljuc. In 2005, it promoted a play on the subject of human trafficking written and produced by the town's children.

In 2005, the organization Derventa implemented a project called Prevention of Human Trafficking in the Local Community.

Lara Bijeljina is an organization which "aims to empower women to assume a leading role in the society through an active participation of the civil and political life of the country. The organization promotes many initiatives which are posted on the specifically designed portal."³⁰ World Learning/STAR Network is a network of NGOs founded in 1994.³¹ It provides encouragement, financial support and technical assistance to locally-led initiatives that instigate women's economic and political leadership in Bosnia-Herzegovina and other countries in the post-Yugoslav region.³² "Through a regional advisory board, expertise exchanges, workshops and regional forums, STAR Network supports women's leadership of practical collaborations in political participation, enterprise development, and prevention of violence and trafficking."³³ On August 1, 2006, the STAR Network of World Learning launched the Regional Anti-Trafficking Mobilization for Prevention (RAMP) Project.³⁴ The RAMP Project is designed to improve regional grass-roots connections with the goal of preventing human trafficking. The project targets trafficking along the cross-border routes between Bosnia-

²⁸ STAR NETWORK, REGIONAL ANTI-TRAFFICKING MOBILIZATION FOR PREVENTION, (2007) *available at*: http://www.worldlearning.org/wlid/star/docs/star_ramp_tip_prev2007_en.pdf.

²⁹ OSCE, 10 YEARS OSCE MISSION TO BOSNIA AND HERZEGOVINA, (2005) *available at*: <http://www.oscebih.org/documents/OSCE10Years.pdf>

³⁰ *Peacebuilding Portal*, LARA BIJELJINA, *available at*: <http://www.peacebuildingportal.org/index.asp?pgid=9&org=5096>.

³¹ *The STAR Network Story*, WORLD LEARNING, STAR NETWORK, (2008) *available at*: <http://www.worldlearning.org/wlid/star/about/index.html>.

³² USAID, USAID / BOSNIA-HERZEGOVINA GENDER ASSESSMENT, (2005) *available at*: http://pdf.usaid.gov/pdf_docs/PDACG120.pdf

³³ *Our Mission*, WORLD LEARNING, STAR NETWORK, (2008) *available at*: <http://www.worldlearning.org/star/>

³⁴ ZONTA INTERNATIONAL, ZISVAW PROGRAM 2006-2008, REGIONAL ANTI-TRAFFICKING MOBILIZATION FOR PREVENTION (RAMP) (August 2006-February 2007) *available at*: <http://www.zonta.org/LinkClick.aspx?fileticket=THoLnbVBhiA%3D&tabid=129>.

Herzegovina, Croatia, Montenegro and Serbia, which are routes frequently used by both local and regional traffickers.³⁵

One of the more prominent NGOs in the country is La Strada International. La Strada supports regular workshops and training sessions. From January to June 2008, La Strada hosted over 25 workshops and lectures for elementary and secondary school students and Parent-Teacher Councils. Those geared toward students focused on improving their self-esteem and awareness about human trafficking and the workshops for parents and teachers focused on their engagement in combating trafficking, ways of overcoming this problem, and how to incorporate lectures on preventing trafficking into regular school curriculum³⁶. On December 22-23, 2008, La Strada held training workshop for the representatives of the Ministry of Security of Bosnia-Herzegovina on the topic “Strengthening of the State Security Forces in the Area of Combating Trafficking in Persons (Hidden Indicators).”³⁷

Another active organization is Caritas, a pastoral institution of Catholic Church operating in Bosnia-Herzegovina. Its project, Enhancing Local Capacities to Stop Human Trafficking, resulted in 17 prevention activities, workshops and lectures in 15 parishes, with more than 800 participants in 2009.³⁸ The project’s goal is to improve abilities of vulnerable groups to avoid risks of trafficking in human beings. Caritas operates in conjunction with other groups, including Caritas Swiss, Catholic Relief Services Bosnia and Herzegovina (CRS), Secours Catholique, as well as with the network of local non-governmental organizations and the Ministry of Security of Bosnia and Herzegovina.³⁹

Multilateral Initiatives

Bosnia-Herzegovina is a member of the Organization for Security and Co-operation in Europe (OSCE). The OSCE mission to Bosnia-Herzegovina supports the efforts of the Bosnia-Herzegovina authorities to streamline and coordinate their anti-trafficking activities, including seconding a full-time staff member to assist the State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration in Bosnia-Herzegovina, a position which was established in 2003 and tasked with overseeing the State Action Plan and any other anti-trafficking activities of the government of Bosnia-Herzegovina.⁴⁰

³⁵ Jeffrey Simon, Preventing Balkan Conflict The Role of EuroAtlantic Institutions, (2007) available at: <http://www.ceeol.com/>

³⁶ *Prevention and Education Activities*, LA STRADA, (2008) available at: http://www.lastrada.ba/index.php?option=com_content&task=view&id=32&Itemid=2.

³⁷ *Training for Members of BiH Ministry of Security*, LA STRADA, (2008) available at: http://www.lastrada.ba/index.php?option=com_content&task=view&id=51&Itemid=2.

³⁸ *Enhancing local capacities to stop human trafficking*, CARITAS, (2009) available at: <http://www.carbkbih.com.ba/eng/index.php?prikaz=projekti>.

³⁹ *Id.*

⁴⁰ *Mission to Bosnia and Herzegovina: Combating Trafficking in Human Beings*, OSCE, available at: http://www.oscebih.org/human_rights/antitrafficking.asp.